

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

GERIGA SCOTT,)	
)	
Petitioner,)	
)	
v.)	Case No. CV412-063
)	
AL ST. LAWRENCE,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION

Geriga Soctt, a pre-trial detainee held at the Chatham County Detention Center while awaiting prosecution for a drug offense, *see* attached state court docket, petitions this Court for unspecified habeas relief under 28 U.S.C. § 2241. Doc. 1. Detained under a November 1, 2011 accusation, he insists that the state is violating his speedy trial and other rights. *Id.* at 1-6.

The Court **GRANTS** his motion to proceed *in forma pauperis* (doc. 5) but concludes that his petition must be dismissed. Pretrial § 2241 petitions must be exhausted. *Wilkinson v. Dotson*, 544 U.S. 74, 79 2005) (all habeas corpus actions “require a petitioner to fully exhaust state

remedies”); *Thomas v. Crosby*, 371 F.3d 782, 812 (11th Cir. 2004) (Tjoflat, J., concurring) (“Among the most fundamental common law requirements of § 2241 is that petitioners must first exhaust their state court remedies.”). Georgia law

allows pretrial detainees to raise each of these types of claims either during state criminal proceedings or collaterally in a state habeas corpus action. *See Perera v. Miller*, 283 Ga. 583, 662 S.E.2d 544, 544 (Ga. 2008) (noting that criminal defendants can bring speedy trial claim and ineffective assistance of counsel claims during the course of criminal proceedings); *Jackson v. State*, 279 Ga. 449, 614 S.E.2d 781, 783–84 (Ga. 2005) (ruling on speedy trial claim and due process claim based on preindictment delay; claims initially brought in motion for a new trial and reasserted on direct appeal); *Rainwater v. Langley*, 277 Ga. 127, 587 S.E.2d 18, 19–20 (Ga. 2003) (challenging pretrial detention in state habeas petition); *Banks v. Waldrop*, 272 Ga. 475, 531 S.E.2d 708, 708 (Ga. 2000) (holding that challenge to pretrial detention based on contention of improper denial of bail is properly brought in state habeas petition); *McClure v. Hopper*, 234 Ga. 45, 214 S.E.2d 503, 506 (Ga. 1975) (holding that claim based on denial of a timely first appearance may be cognizable in habeas corpus action).

Harvey v. Corbin, 2011 WL 4369828 at * 2 (S.D. Ga. Aug. 12, 2011). As in *Harvey*, Scott “has not alleged, and there is nothing in the record to suggest, that he filed a state habeas petition challenging his pre-trial detention.” *Id.* Therefore, his petition should be **DISMISSED WITHOUT PREJUDICE** so that he may exhaust available state remedies.

SO REPORTED AND RECOMMENDED this 2nd day of
May, 2012.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA



CHATHAM COUNTY, GA
Eastern Judicial Circuit of Georgia

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April 25, 2012

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SCOTT, GERIGA NMN

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Case Information

Court: Superior
Case Number: CR112412
Case Type: DRUGS - POSSESSION-F
Judge: JUDGE WALMSLEY
Assistant District Attorney: ARVO HENIFIN
Date Filed: 11/1/2011
Status: ACTIVE -
Next Event: 5/14/2012 PLEA HEARING

Defendant Information

Name: SCOTT, GERIGA NMN
DIN: X0020435 Chatham County Sheriff X0020435
Gender: MALE
Race: AFRICAN AMERICAN
Height: 73
Weight: 160
Eyes: BROWN
Hair: BLACK

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[Defendant History](#)

Attorney Information

L NICOLE KING

Bondsman Information

N/A

Case Events

Date	Time	Code	Judge	Action
5/14/2012	11:00AM	PLEA HEARING	WALMSLEY	
4/2/2012	11:00AM	PLEA HEARING	PERRY BRANNEN, JR.	
2/13/2012	11:00AM	PLEA HEARING	PERRY BRANNEN, JR.	RESCHEDULE EVENT
11/21/2011	10:00AM	CALENDAR CALL	PERRY BRANNEN, JR.	

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Charges

Charge	Description	Counts	Severity	Charge Date	Disposition
16-13-30(J)	POSS MARIJUANA WITH INTENT TO DISTRIBUTE	1	FELONY	8/11/2011 2:10:14 PM	

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5/14/2012	11:00AM	PLEA HEARING		WALMSLEY	
4/2/2012	11:00AM	PLEA HEARING		PERRY BRANNEN, JR.	
2/14/2012		NOTES			**NICOLE KING RETAINED PER ADA IN OPEN COURT AND PUBLIC DEF OFFICE/
2/13/2012	11:00AM	PLEA HEARING	RESCHEDULE EVENT	PERRY BRANNEN, JR.	
2/10/2012		ENTRY OF APPEARANCE			L NICOLE KING- 1810 ABERCORN ST SAV GA 31401 480-1440/
2/1/2012		ORDER			ORDER ON DEFS PRO SE MOTION STRICKEN/

1/25/2012		PRO SE MOTION	STRICKEN		DEMAND TO DISMISS CHARGES/
1/25/2012		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
1/13/2012		PRO SE LETTER RECEIVED AND CLERKS RESPONSE			
11/21/2011	10:00AM	CALENDAR CALL		PERRY BRANNEN, JR.	
11/15/2011		CONSOLIDATED MOTIONS PACKAGE			
11/2/2011 8:09:49 AM		SCREENING			INITIAL CASE SCREENING / SCANNING
11/1/2011		ACCUSATION FILED - ENTERED			

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